

REMARKS

Claims have been amended and claims have been canceled in a sincere attempt to place the case in condition for allowance. At the moment, claims 1, 6, 7, and 12 to 22 are before the Examiner for consideration.

The rejection of claims 1, 4 to 8, 11, and 13 to 22 under 35 USC 102 as anticipated by Yamashita et al. JP '187, the rejection of claims 3 and 10 under 35 USC 103 as unpatentable over Yamashita et al. JP '187 further in view of Affinito '746, and the rejection of claim 12 under 35 USC 103 as unpatentable over Morris '205 in view of Yamashita et al. JP '187 are moot in view of the enclosed verified translations of applicants' priority documents. The verified translations establish that applicants are entitled to a date of April 19, 2000 and a date of January 18, 2001, both dates before the March 6, 2001 publication date of Yamashita et al. JP '187. Those rejections thus will not be discussed further.

The rejection of claims 1, 7, 8, 13, 16, 17, and 20 to 22 under 35 USC 102 as anticipated by Kahata et al. JP '788, if applied to the claims as amended, is respectfully traversed. Claim 1 has been revised to recite a feature based upon now-canceled claim 5, a claim not so rejected. Claim 1 now calls for the package to have a base layer, an aluminum layer, an

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innermost heat sealable layer, and a bonding layer located between the base layer and the aluminum layer. Claim 1 also specifies that a first corrosion-resistant layer is formed on a surface of the aluminum layer on the side of the innermost heat sealable layer by a chemical conversion treatment. The claim continues to specify also that the part of the tab corresponding to the corrosion-resistant layer has been degreased. The claim thus defines patentably over Kahata et al. '788.

Claims 13, 17, 21 and 22 have all been amended specifically to state that "the corrosion resistant layer includes a composition consisting of the phenolic resin, the chromium fluoride (3) and the phosphoric acid." The Examiner had stated that the claims previously were regarded as product-by-process claims; the claims have been changed to make express what was intended by the last claim revision, namely that the indicated portion of the tab is covered with a corrosion resistant layer that includes a composition consisting of the phenolic resin, the chromium fluoride (3) and the phosphoric acid. As such, the claims are believed patentably to define over the cited art and the rejection should be withdrawn.

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The rejection of claims 3 and 10 under 35 USC 103 as unpatentable over Kahata et al. '788, further in view of Affinito '746 and the rejection of claims 4 and 11 under 35 USC 103 as unpatentable over Kahata et al. JP '788, further in view of Mori '135 are moot in view of the cancellation of those claims.

In view of the foregoing revisions and remarks, it is respectfully submitted that the case is in immediate condition for allowance and a USPTO paper to those ends is earnestly solicited.

The Examiner once more is requested to list all references provided on the PTO-1449 submitted with the Information Disclosure Statement filed December 13, 2001. The Examiner is also requested again to review the file to see if the Assignment, which was also filed that same day, is still there and has not been sent on to the appropriate part of the USPTO for processing.

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The Examiner is requested to telephone the undersigned if additional changes are required in the case prior to allowance.

Respectfully submitted,

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Date

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Enclosures: Verified Translations of  
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